

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
STATE OF NEW YORK, et al.

DEFENDANTS  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
ALEX M. AZAR II; and UNITED STATES OF AMERICA

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
See attached addendum.

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

HHS Final Rule violates the APA, 5 U.S.C. § 706(2), the Spending Clause, Separation of Powers, and the Establishment Clause

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY	[ ] 422 APPEAL 28 USC 158	[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 21 USC 881	[ ] 423 WITHDRAWAL 28 USC 157	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 1690 OTHER		[ ] 400 STATE REAPPORTIONMENT
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY				[ ] 410 ANTITRUST
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE PRODUCT LIABILITY				[ ] 430 BANKS & BANKING
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY				[ ] 450 COMMERCE
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 820 COPYRIGHTS [ ] 830 PATENT		[ ] 460 DEPORTATION
	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 840 TRADEMARK		[ ] 480 CONSUMER CREDIT
	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY			[ ] 490 CABLE/SATELLITE TV
[ ] 160 STOCKHOLDERS SUITS					
[ ] 190 OTHER CONTRACT					
[ ] 195 PRODUCT LIABILITY					
[ ] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
	CIVIL RIGHTS	[ ] 463 ALIEN DETAINEE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 861 HIA (1395ff) [ ] 862 BLACK LUNG (923) [ ] 863 DIWC/DIVW (405(g))	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[ ] 720 LABOR/MGMT RELATIONS	[ ] 864 SSID TITLE XVI [ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS
		[ ] 530 HABEAS CORPUS	[ ] 740 RAILWAY LABOR ACT		[ ] 891 AGRICULTURAL ACTS
		[ ] 535 DEATH PENALTY	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)		
		[ ] 540 MANDAMUS & OTHER	[ ] 790 OTHER LABOR LITIGATION	[ ] 870 TAXES (U.S. Plaintiff or Defendant) [ ] 871 IRS-THIRD PARTY 26 USC 7609	[ ] 893 ENVIRONMENTAL MATTERS
			[ ] 791 EMPL RET INC SECURITY ACT (ERISA)		[ ] 895 FREEDOM OF INFORMATION ACT
REAL PROPERTY					[ ] 896 ARBITRATION
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING				[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[ ] 220 FORECLOSURE RENT LEASE & EJECTION	[ ] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[ ] 462 NATURALIZATION APPLICATION		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
[ ] 230 TORTS TO LAND TORT PRODUCT LIABILITY	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 550 CIVIL RIGHTS [ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION ACTIONS	
[ ] 240 [ ] 245 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 448 EDUCATION	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |   |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented       |   |  |   |  |   | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File)         |
| <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |   |   |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION  4 DIVERSITY  
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

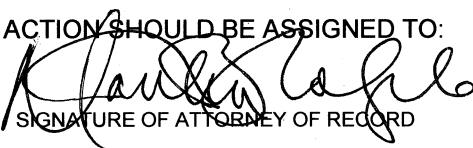
DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 05/21/2019 SIGNATURE OF ATTORNEY OF RECORD 

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
 YES (DATE ADMITTED Mo. 05 Yr. 2004)  
Attorney Bar Code # MC-1746

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

**Civil Cover Sheet Attachment**

*Plaintiffs*

STATE OF NEW YORK

CITY OF NEW YORK

STATE OF COLORADO

STATE OF CONNECTICUT

STATE OF DELAWARE

DISTRICT OF COLUMBIA

STATE OF HAWAI'I

STATE OF ILLINOIS

STATE OF MARYLAND

COMMONWEALTH OF MASSACHUSETTS

STATE OF MICHIGAN

STATE OF MINNESOTA

STATE OF NEVADA

STATE OF NEW JERSEY

STATE OF NEW MEXICO

STATE OF OREGON

COMMONWEALTH OF PENNSYLVANIA

STATE OF RHODE ISLAND

STATE OF VERMONT

COMMONWEALTH OF VIRGINIA

STATE OF WISCONSIN

CITY OF CHICAGO

COOK COUNTY, ILLINOIS

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